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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,162	01/19/2001	Rabindranath Dutta	AUS920000820US1	6290

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,162

Applicant(s)

DUTTA ET AL.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 2175

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by McCormick et al. (US 2002/0064767).

The McCormick et al. reference claims priority to a provisional application 60/219,897 filed July 21,200.

Claim 1: The McCormick et al. system is generally an on-line system for providing private instruction to students. The system includes clients (10, 14, 26) and a server system (18).

The server receives computer program data in the form of a student registration from one of the client terminals (paragraph 0038 and FIGS. 3A-3D). A teacher is on-line at another one of the client terminals and uses the interface to search for student to teach. As seen in FIG. 3A, the student has defined temporal parameters, in the form of voice and text preferences (204) and time preferences (208). The teacher will then modify the temporal parameters of the lesson (modify the lesson to either voice interaction or text interaction and modify the time that the lessons are presented). These modifications are based upon the user profile defined in FIG. 3C.

Claim 2: In section 204 of Fig. 3C, the user can non-elect certain modes of instruction, such as the voice mode or the text mode. The non-election of a particular mode is considered an indication of disability, since the preference of the user for one mode is indicative of some

weakness for the non-preferred mode. The teacher adjusts the lesson to a voice mode or text mode based on these indications.

Claim 3: The user profile of FIG. 3 includes preferred values for temporal values, including preferences for voice discussion and text discussion and preferred times of instruction.

Claim 4: The identifiers of temporal parameters are preferences for voice or text (204) and preferences for instruction time (208). The searching function is performed by the teacher, who searches for a student to teach (paragraph 0046). The teacher can conduct the search based on specific user profile information. In other words, the teacher can search for specific students having specific user profiles (the teacher can search for students having compatible schedules—paragraph 0049).

Claim 5: The computer program data is the registration of a student for a course. Once the registration is sent to the content server (18), it can be received by the teacher client computer (paragraph 0046) or an administrator client computer (paragraph 0057).

Claim 6: The server (18) can be proxy server in the sense that it resides between a client (26) and other servers within the wide area network (22).

Claim 7: The computer program data is the registration of a student for a course. This information can derive from a storage device, such as client computer (10) and can be passed on to other clients by another storage device (22).

Claim 8: The computer program data can derive from hypertext documents (paragraph 0026).

Claim 9: The temporal parameter can be a timing interval (instruction times 208 in FIG. 3C). The other temporal parameters are optionally recited.

Claim 10: As seen in FIG. 3C, the user can set temporal values (204, 208) to preferred values. The teacher can then modify the temporal aspects of the lesson (voice , text and timing) to those values which are preferred.

Claim 11: In FIG. 3C, section 204, the temporal values for voice and text can be multiplied by the selection of “both”. This multiplies the temporal values, so that the student can interact with the teacher using two temporal parameters instead of just individual temporal values.

Claim 12: The student identifies a temporal value using the interface of FIG. 3. The teacher then determines which temporal values to use (text chat or voice chat in FIG. 4B) when presenting the lesson.

Claim 13: The output is the lesson provided to the student. It is modified based on the selections made in FIG. 3C.

Claim 14: See remarks for claim 1.

Claim 15: See remarks for claim 2.

Claim 16: See remarks for claim 3.

Claim 17: See remarks for claim 4.

Claim 18: See remarks for claim 5.

Claim 19: See remarks for claim 6.

Claim 20: See remarks for claim 7.

Claim 21: See remarks for claim 8.

Claim 22: See remarks for claim 9.

Claim 23: See remarks for claim 10.

Claim 24: See remarks for claim 11.

Claim 25: See remarks for claim 12.

Claim 26: See remarks fro claim 13.

Claim 27: See remarks for claim 1.

Claim 28: See remarks for claim 2.

Claim 29: See remarks for claim 9.

Claim 30: See remarks for claim 10.

Claim 31: See remarks for claim 11.

Claim 32: See remarks for claim 12.

Claim 33: See remarks for claim 13.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.


Sam Rimell
Primary Examiner
Art Unit 2175